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EXAMINER

GART, MATTHEW S

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 09/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/543,686

Applicant(s)

CHAMPAGNE ET AL.

Examiner

Matthew s Gart

Art Unit

3625

-- Th MAILING DATE of this communication appears on the cover sheet with th correspondenc addr ss --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 05 April 2000.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 April 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

### **DETAILED ACTION**

Examiner acknowledges the Attorney's request for continued examination.

Claims 1-44 are pending in the instant application. Claims 1, 20, 21, 26, and 44 have been amended via Paper No. 18.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1-6, 13 and 19-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Arledge U.S. Patent No. 6,535,294.**

Referring to claim 1. Arledge discloses an online method or ordering and purchasing customized products, comprising:

- Receiving a custom order message incorporating order data and product configuration data submitted by an online user (claim 1);
- Storing the order data and product configuration into a buyer database (column 2, line 66 to column 3, line 6);
- Entering the custom order and order data and product configuration into an order bank to be scheduled for manufacturing (abstract), wherein the custom order is

Art Unit: 3625

cancelable by the user after processing of the custom order is initiated and until the custom order is scheduled for manufacturing (column 4, lines 9-34); and

- Generating an order confirmation message and sending the order confirmation message to the user (column 5, line 50 to column 6, line 7).

Referring to claim 2. Arledge further discloses a method comprising:

- Receiving input entered on a web page by the user to submit a custom order, including product configuration data (claim 1);
- Generating the custom order message incorporating the product configuration data and sending the custom order message to a web server (claim 1); and
- Routing the custom order message to a workflow manager (claim 1).

Referring to claim 3. Arledge further discloses a method comprising:

- Sending the custom order data to a dealer selected by the user (column 4, lines 35-42); and
- Routing the custom order message to a B2B server, which sends it to an order processor (figures 1, 2 and 3).

Referring to claim 4. Arledge further discloses a method comprising generating a unique order number for the custom order (column 17, lines 56-65)

Referring to claim 5. Arledge further discloses a method comprising:

- Receiving customer data related to the user from the user (column 5, line 4-11); and
- Storing the customer data in a common membership database (column 5, line 4-11).

Referring to claim 6. Arledge further discloses a method comprising:

- Receiving online payment data from the user for the custom order (figures 14 and 15);
- Processing the online payment data of the product (figures 14 and 15); and
- Confirming the online payment processing completion (figures 14 and 15).

Referring to claim 13. Arledge further discloses a method comprising:

- Receiving a lead request message incorporating lead data and product configuration data submitted by the user, the lead-time identifying the online user as a potential customer (figure 24, "CHECK ORDER STATUS");
- Storing the lead data and product configuration into a buyer database (figure 24, "INFORMATION DATABASE"); and
- Generating a lead confirmation message and sending the lead confirmation message to the user (figure 24, "CHECK ORDER STATUS").

Referring to claim 19. Arledge further discloses a method comprising:

- Receiving a cancel custom order request from the user (figure 13);
- Deleting a custom order associated with the cancel customer order request from an order bank (figure 13); and
- Updating a buyer database to reflect the updated status of the user (figure 13).

Referring to claim 20. Arledge further discloses a method comprising:

- Receiving a cancel tag order request from the user (column 4, lines 9-34);
- Modifying data associated with a cancelled tag order in an order bank (column 4, lines 9-34);

Art Unit: 3625

- Modifying data of a product associated with the cancelled tag order in an enterprise product availability database (column 4, lines 9-34); and
- Updating a buyer database to reflect the updated status of the user (column 4, lines 9-34).

Referring to claim 21. Claim 21 is rejected under the same rationale as set forth above in claim 1.

Referring to claim 22. Claim 22 is rejected under the same rationale as set forth above in claim 2.

Referring to claim 23. Claim 23 is rejected under the same rationale as set forth above in claim 5.

Referring to claim 24. Claim 24 is rejected under the same rationale as set forth above in claim 4.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 7-12, 25-37 and 39-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arledge U.S. Patent No. 6,535,294 in view of Green U.S. Patent No. 6,041,310.**

Referring to claims 7 and 32. Arledge does not expressly disclose a method comprising:

Art Unit: 3625

- Displaying a list of products substantially matching product configuration data entered by the online user;
- Receiving a user-tagging of a particular product from the list and a tag order message incorporating tag order data and product configuration data submitted by the user;
- Storing the tag order data and product configuration into a buyer database'
- Modifying inventory data in an inventory database associated with the tagged product to indicate unavailability; and
- Generating a tag order confirmation message and sending the tag order confirmation message to the user.

Green discloses a method comprising:

- Displaying a list of products substantially matching product configuration data entered by the online user (column 1, lines 17-26 and column 9, lines 15-32);
- Receiving a user-tagging of a particular product from the list and a tag order message incorporating tag order data and product configuration data submitted by the user (figure 12);
- Storing the tag order data and product configuration into a buyer database (figure 1);
- Modifying inventory data in an inventory database associated with the tagged product to indicate unavailability (column 10, lines 55-61 and claim 1); and
- Generating a tag order confirmation message and sending the tag order confirmation message to the user (figure 12A).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have modified the method of Arledge to have included the limitations of Green as discussed above in order to allow customers to sift through myriad choices available for a purchase (Green: column 2, lines 14-24).

Referring to claims 8 and 33. Arledge in view of Green discloses a method according to claim 7 as indicated supra. Arledge further discloses a method comprising:

- Receiving input entered on a web page by the user to submit a Order, including product configuration data (claim 1);
- Generating the order message incorporating the product configuration data and sending the order message to a web server (claim 1); and
- Routing the order message to a workflow manager (claim 1).

Referring to claims 9 and 34. Arledge in view of Green discloses a method according to claim 7 as indicated supra. Arledge further discloses a method comprising:

- Sending the order data to a dealer selected by the user (column 4, lines 35-42); and
- Routing the order message to a B2B server, which sends it to an order processor (figures 1, 2 and 3).

Referring to claims 10 and 35. Arledge in view of Green discloses a method according to claim 7 as indicated supra. Arledge further discloses a method comprising generating a unique order number for the Order (column 17, lines 56-65)

Referring to claims 11 and 36. Arledge in view of Green discloses a method according to claim 7 as indicated supra. Arledge further discloses a method comprising:



Art Unit: 3625

- Receiving customer data related to the user from the user (column 5, line 4-11); and
- Storing the customer data in a common membership database (column 5, line 4-11).

Referring to claims 12 and 37. Arledge in view of Green discloses a method according to claim 7 as indicated supra. Arledge further discloses a method comprising:

- Receiving online payment data from the user for the order (figures 14 and 15);
- Processing the online payment data of the product (figures 14 and 15); and
- Confirming the online payment processing completion (figures 14 and 15).

Referring to claim 25. Arledge discloses a method according to claim 21 as indicated supra. Arledge does not expressly disclose a method wherein the online order is for customer ordering of a vehicle. Green discloses a method wherein the online order is for customer ordering of a vehicle (figure 1). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have modified the method of Arledge to have included the limitations of Green as discussed above in order to allow customers to sift through myriad choices available for a purchase (Green: column 2, lines 14-24).

Referring to claims 26-31. Arledge discloses claims 26-31 under the same rationale as set forth above in claims 1-7. Arledge does not expressly disclose a method of ordering and purchasing a vehicle having specific vehicle configurations via the Internet. Green discloses a method of ordering and purchasing a vehicle having specific vehicle configurations via the Internet (Fig. 7). At the time the invention was

Art Unit: 3625

made, it would have been obvious to a person of ordinary skill in the art to have modified the method of Arledge to have included the limitations of Green as discussed above in order to allow customers to sift through myriad choices available for a purchase (Green: column 2, lines 14-24).

Referring to claims 39-40. Arledge discloses claims 39-40 under the same rationale as set forth above in claims 2-3. Arledge does not expressly disclose a method relating to vehicles. Green discloses a method relating to vehicles. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have modified the method of Arledge to have included the limitations of Green as discussed above in order to allow customers to sift through myriad choices available for a purchase (Green: column 2, lines 14-24).

Referring to claim 43. Claim 43 is rejected under the same rationale as set forth above in claim 19 and claim 26.

Referring to claim 44. Claim 44 is rejected under the same rationale as set forth above in claim 20 and claim 26.

**Claims 14-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arledge U.S. Patent No. 6,535,294 in view of Matoba et al. US Patent No. 5,231,267.**

Referring to claims 14-18. Arledge substantially disclose the invention, including generating lead time data, generating a lead confirmation message and displaying it to the user and storing lead data in a database, but fail to teach submitting a lead request, sending lead request data to a dealer, or processing lead status updates. Matoba

Art Unit: 3625

discloses a manufacturing planning system that includes an online lead-time estimating function for calculating lead-time based on product specifications and work demand. For example, a manufacturer's production schedule and product completion date can be adjusted with input from a material requirements planning module, a work demand calculating module and a production capacity adjusting module, giving users a means to receive accurate updated completion dates for a given product (Matoba: col. 4, lines 14-20, col. 9, lines 5 - 15, col. 12, lines 11-53 and col. 13, lines 14-35).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have modified the method of Arledge to have included the limitations of Matoba as discussed above. Doing so would allow a manufacturer to calculate and store lead status updates in a database and allow users to access the results online in order to keep the customer informed of any delays in delivering a custom system, thereby increasing customer satisfaction.

**Claims 38 and 41-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arledge U.S. Patent No. 6,535,294 in view of Matoba et al. US Patent No. 5,231,267 and Green U.S. Patent No. 6,041,310.**

Referring to claims 38 and 41-42. Arledge in view of Matoba discloses claims 38 and 41-42 under the same rationale as set forth above in claims 13 and 15-17. Arledge does not expressly disclose a method relating to vehicles. Green discloses a method relating to vehicles (Fig. 7). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have modified the method of Arledge to

Art Unit: 3625

have included the limitations of Green as discussed above in order to allow customers to sift through myriad choices available for a purchase (Green: column 2, lines 14-24).

### ***Response to Arguments***

Applicant's arguments filed 7/30/03 have been fully considered but they are not persuasive.

The Applicant argues that Arledge does not disclose, teach, or suggest, "wherein the custom order is cancelable by the user after processing of the custom order is initiated and until the custom order is scheduled for manufacturing."

The Examiner notes, the language of claim 1 does not recite an action step, it only denotes a situation wherein a product may be cancelable if a relevant party involved in the transaction is not satisfied with the particular order, therefore the limitation, "...wherein the custom order is cancelable by the user after processing of the custom order is initiated and until the custom order is scheduled for manufacturing," is a conditional limitation and is given little patentable weight.

The Applicant argues that Arledge does not disclose, teach or suggest, "receiving a lead request message incorporating lead data and product configuration data submitted by the user, the lead data identifying the online user as a potential customer."

The Examiner notes, Arledge does disclose, "...receiving a lead request message incorporating lead data and product configuration data submitted by the user, the lead data identifying the online user as a potential customer." With additional reference to FIG. 25, a "Check New Order Queue" hypertext button **410** is provided on the dealer's "home" screen **405**, selection of which transfers the retailer to a new order

Art Unit: 3625

queue screen **415** having a list **416** thereon containing new order information relating to all pending end-user orders submitted through the retailer's web site which have been docketed on the retailer's new order queue.

Applicant traverse the Examiner's rejection at least because of the accusation that the Examiner simply performed a keyword search to locate the word "lead" in the text of Matoba and then uses this word to reject those portions of Claims 13-18 that happen to also include the word "lead."

The Examiner notes, with reference to the Applicant's assertion of a "keyword search," the applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

The Applicant argues that Arledge does not recite each and every claim of limitations 13, from which claims 14-18 depend.

The Examiner notes, referring to claims 13-18, Arledge substantially disclose the invention, including generating lead time data, generating a lead confirmation message and displaying it to the user and storing lead data in a database, but fail to teach submitting a lead request, sending lead request data to a dealer, or processing lead status updates. Matoba discloses a manufacturing planning system that includes an online lead-time estimating function for calculating lead-time based on product specifications and work demand. For example, a manufacturer's production schedule and product completion date can be adjusted with input from a material requirements

Art Unit: 3625

planning module, a work demand calculating module and a production capacity adjusting module, giving users a means to receive accurate updated completion dates for a given product (Matoba: col. 4, lines 14-20, col. 9, lines 5 - 15, col. 12, lines 11-53 and col. 13, lines 14-35).

Furthermore, a planner may input a command (request) to the lead-time estimating module through the data input/output unit. In response, the lead-time estimating module fetches therein the current work demand and production capacity from the data storage to estimate an updated lead-time. The result of this estimation is stored in the data storage as well (Matoba: see at least col. 4, lines 14-20).

Regarding applicant's arguments concerning claim 38 and 41-42. The Examiner feels that the Arledge-Matoba-Green combination does disclose the aspects detailed by the claims as shown throughout the duration of this office action.

### **Conclusion**

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

Art Unit: 3625

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

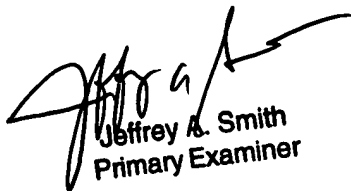
Any inquiry concerning this communication should be directed to Matthew Gart whose telephone number is 703-305-5355. This examiner can normally be reached Monday-Friday, 8:30AM-5:30PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Wynn Coggins can be reached on 703-308-1344. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

MSG

September 2, 2003



Jeffrey A. Smith  
Primary Examiner